

2023 SENATE HUMAN SERVICES

SB 2087

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2087
1/9/2023

Relating to requirements for administration of temporary assistance for needy families.

10:15 AM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** are present.

Discussion Topics:

- Benefit cap
- Income levels
- Block grant programs
- TANF program

10:16 AM **Michele Gee, Director of Economic Assistance Section ND Department of Health and Human Services**, testified in favor. #12551

10:30 AM **Kim Jacobson, Director of Agassiz Valley Human Service Zone and President**, testified in favor. #12554

10:34 AM **Christopher Dobson, Executive Director and General Counsel of the ND Catholic Conference**, provided oral testimony in favor.

10:37 AM **Madam Chair Lee** closed the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
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SB 2087
1/9/2023

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2:20 PM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** are present.

2:21 PM **Jessica Thomasson, Executive Director of Human Services Division ND Department of Health and Human Services**, provided information verbally.

Senator Cleary moved **DO PASS and REFER to APPROPRIATIONS**.
Senator Weston seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	AB
Senator Kristin Roers	Y
Senator Kent Weston	Y

The motion passed by 5-0-1.

Senator Hogan was absent; **Senator Lee** left vote open for **Senator Hogan** to vote.
Senator Hogan voted yes on this bill in the afternoon of Jan 10, 2023.
Final vote: 6-0-0.

Senator Cleary moved to remove REFER to APPROPRIATIONS motion.
Senator Weston seconded the motion.
The motion passed by voice vote.

Senator Lee will carry SB 2087

2:33 PM **Madam Chair Lee** closed the hearing.

Patricia Lahr, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2087: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2087 was placed on the Eleventh order on the calendar. This bill affects workforce development.

2023 HOUSE HUMAN SERVICES

SB 2087

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

SB 2087
3/14/2023

Relating to requirements for administration of temporary assistance for needy families.

Chairman Weisz called the meeting to order at 3:20 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. Rep. Clayton Fegley not present.

Discussion Topics:

- TANF Program
- Monthly Benefit Average
- Benefit/Family Cap
- Earned Income Disregards

Michele Gee, Director of Economic Assistance, DHHS, #24825, #27236

Kim Jacobson, Director, Agassiz Valley Human Service Zone, # 24600

Christopher Dodson, Executive Director, ND Catholic Conference, spoke in favor of SB 2087

Additional written testimony:

Sierra Heitkamp, Legislative Director, ND Right to Life, #24664

Chairman Weisz adjourned the meeting at 3:35 PM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2087
3/27/2023

Relating to requirements for administration of temporary assistance for needy families.

Chairman Weisz called the meeting to order at 11:42 AM

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. Rep. Clayton Fegley not present.

Discussion Topics:

- Committee Action

Chairman Weisz called for a discussion on SB 2087.

Representative Porter moved a do no pass on SB 2087.

Seconded by Representative Anderson.

Roll call vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	N
Representative Gretchen Dobervich	N
Representative Clayton Fegley	AB
Representative Kathy Frelich	N
Representative Dawson Holle	N
Representative Dwight Kiefert	Y
Representative Carrie McLeod	N
Representative Todd Porter	Y
Representative Brandon Prichard	N
Representative Karen M. Rohr	N

Motion fails, 6-7-1

Chairman Weisz adjourned the meeting at 11:48 AM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2087
3/29/2023

Relating to requirements for administration of temporary assistance for needy families.

Chairman Weisz called the meeting to order at 3:47 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich, all present.

Discussion Topics:

- Committee work

Chairman Weisz called for a discussion on SB 2087.

Rep. McLeod moved a do pass and rerefer to the Appropriations Committee on SB 2087.

Seconded by Rep. Frelich.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	N
Representative Matthew Ruby	N
Representative Karen A. Anderson	Y
Representative Mike Beltz	N
Representative Jayme Davis	Y
Representative Gretchen Dobervich	AB
Representative Clayton Fegley	AB
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	N
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 8-4-2. Rep. McLeod will carry the bill.

Chairman Weisz adjourned the meeting at 3:50 PM.

Phillip Jacobs, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2087: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2087 was rereferred to the **Appropriations Committee**.

2023 HOUSE APPROPRIATIONS

SB 2087

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Brynhild Haugland Room, State Capitol

SB 2087
4/3/2023

Relating to requirements for administration of temporary assistance for needy families

10:18 AM Chairman Vigesaa Called the meeting to order and roll call was taken-

Members Present; Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Meier, Representative Mock, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

Members not Present- Representative Mitskog

Discussion Topics:

- TANF
- Increased benefits

Representative Weisz- Introduces the bill and its purpose.

Committee Discussion

10:31 AM Chairman Vigesaa Closed the meeting for SB 2087

Risa Berube, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Harvest Room, State Capitol

SB 2087
4/10/2023

Relating to requirements for administration of temporary assistance for needy families.

11:26 AM Chairman J. Nelson opened the meeting.

Roll call taken.

Chairman J. Nelson, Vice Chairman Stemen, Representatives B. Anderson, Kreidt, Mitskog, O'Brien, Schobinger, Strinden were present.

Discussion Topics:

- TANF
- Fiscal Note
- Combining bills

Representative Robin Weisz, District 14, introduced and spoke in favor of SB 2087.

Committee Discussion.

11:34 PM Chairman J. Nelson closed the meeting.

Jan Kamphuis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

SB 2087
4/13/2023

Relating to requirements for administration of temporary assistance for needy families

3:58 PM Chairman Vigesaa Called the meeting to order and roll call was taken-

Members Present; Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Mock, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

Members not Present- Representative Bellew, Representative Martinson, Representative Pyle and Representative Sanford

Discussion Topics:

- Committee Action

Representative J. Nelson- Explains the bill and where it was added into the other bills.

Representative J. Nelson Moves for a Do Not Pass

Representative Kreidt -Seconds the Motion

Committee Discussion- Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	A
Representative Mike Brandenburg	Y
Representative Karla Rose Hanson	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	A
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y

Representative Emily O'Brien	Y
Representative Brandy Pyle	A
Representative David Richter	Y
Representative Mark Sanford	A
Representative Mike Schatz	Y
Representative Randy A. Schobinger	Y
Representative Greg Stemen	Y
Representative Michelle Strinden	Y
Representative Steve Swiontek	Y

Motion Carries 19-0-4 Representative J. Nelson will carry the bill.

4:11 PM Chairman Vigesaa Closed the meeting for SB 2087

Risa Berube, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2087: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **DO NOT PASS** (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2087 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2087

Testimony
Senate Bill No. 2087
Senate Human Services Committee
Senator Judy Lee, Chairman
January 9, 2023

Chairman Lee and members of the Senate Human Services Committee, I am Michele Gee, Director of the Economic Assistance Section for the Department of Health and Human Services (Department). I am here today to provide testimony in support of Senate Bill 2087 which was introduced on behalf of the Department.

Senate Bill 2087 proposes changes to North Dakota Century Code section 50-09-29 relating to the requirements for administration of the Temporary Assistance for Needy Families (TANF) Program.

The proposed change on page 3 lines 3 through 6 removes subdivision v of subsection 1, which currently prevents an increase in the amount of TANF assistance available to a household when a child is born to a household member who was a recipient of assistance during the probable month of the child's conception, often referred to as a "benefit cap" or "family cap". An exception to this provision is in cases of pregnancy resulting from rape or incest.

This law was implemented in July 1998 when the TANF program was first established. The "benefit cap" provision is not a federal requirement; it is implemented at the state's discretion.

In preparation for today's testimony, the Department looked at North Dakota's experience over the last five years and determined that the current policy has prevented an average of 42 children per year from receiving an average benefit of \$98 per month. Of the children deemed ineligible by the family cap provision, 78

percent were under 3 years of age and 22 percent were ages 3 through 15. The data shows that in total over the last five years, the state of North Dakota withheld \$175,322 (an average of \$29,220 per year) in benefits that would have been paid to the children who are affected by the family cap policy.

Page 3 lines 8 through 10 amend subdivision w of subsection 1 to allow an additional 12 months of earned income to be “disregarded” from a household’s eligibility calculation. This “earned income disregard” is essentially an incentive that allows a household to have greater earnings from work. The allowance would be after not receiving TANF for twelve or more months. Currently, a family participating in the North Dakota TANF program is only allowed to receive this employment incentive for one 12-month period.

Program experience indicates that earned income disregards help many individuals whose starting employment is in a job that pays minimum or a lower than average wage by helping them become employed and retain their ability to participate in and benefit from TANF while they are working to build greater financial stability for their family.

To better understand this policy in dollars and cents from a household perspective, a single adult with two children in the household, who is working 25 hours per week earning a wage of \$8.50, would be eligible for a monthly TANF benefit of \$100 with the earned income disregard. Without the earned income disregard, this family’s earnings of just over \$11,000 per year would make them ineligible to receive benefit from the TANF program.

As you consider the proposed amendments to the TANF program, it is important to note that financial assistance is only part of the benefit of participation. The TANF program helps individuals who are of working age and who are able to work take meaningful steps to achieve greater self-sufficiency. In North Dakota we do this primarily through the Job Opportunities and Basic Skills (JOBS) Program which is

delivered via contracts the Department has with North Dakota Job Service and Community Options, Inc. JOBS is a mandatory work program that combines components of education, training and employment, and helps an individual with costs that are associated with seeking and maintaining their employment, including child care or transportation costs, vehicle repairs, insurance, job readiness (uniforms, tools, and other employee provided supplies), licensing, certification, and examination fees.

Since 2012, North Dakota has seen a 43 percent decline in its overall TANF caseload. To develop a better understanding of the reason for the decline and assure we were taking appropriate action to meet the needs of North Dakota families, the Department in the spring of 2021 partnered with the Office of Family Assistance, Peer Technical Assistance Network to conduct an environmental scan of the state's TANF Program. The goal of this environmental scan was to strategically review the experience of eligibility workers, program participants and partner agencies who provide services to TANF recipients. The team also reviewed programs and policies from other states that are similar to North Dakota in demographics.

The scan identified the decreasing monetary value of the TANF benefit over time and the complexity that underlies participants' experiences in attempting to comply with TANF program requirements as key issues affecting program participation and ultimately program effectiveness. While modest in scope, the changes proposed in Senate Bill 2087 align directly with the recommendations resulting from the recently completed review of the TANF program in North Dakota and represent important initial steps in support of efforts to increase the effectiveness of the TANF program for North Dakota families.

This concludes my testimony, and I am happy to answer any questions you may have.

Testimony Prepared for the
Senate Human Services Committee

January 9, 2023

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

RE: Senate Bill 2087 – TANF Administration

Chair Lee and members of the Senate Human Services Committee, my name is Kim Jacobson. I am the Agassiz Valley Human Service Zone Director, which includes the service area of Traill and Steele Counties. In addition, I serve as President of the North Dakota Human Service Zone Director Association. Please consider my testimony in support of SB 2087.

Temporary Assistance for Needy Families (TANF) is an economic assistance program administered by human service zones. This program assists the lowest income and most economically fragile families with young children. At the same time, TANF is the most highly regulated and technical program both to participate in and administer.

As human service zones, our goal is to work as one, with each other and with the Department, to support strong healthy families. The efforts of SB 2087 would provide needed modernization of the TANF program. Many of our current policies and laws surrounding TANF are over twenty-five years old and stem from 1997's Welfare Reform Reauthorization Act.

The change in funding structure called for in SB 2087 is also supported. This involves shifting federal TANF funds back to the TANF program. It is understood that some child welfare services in North Dakota are funded using existing TANF funds. This change would require appropriation of General Fund dollars to replace the transferred funds to support child welfare services. For healthy strong families, North Dakota needs to support both TANF and child welfare services.

Thank you for consideration of my testimony. I stand for questions from the committee.

Testimony Prepared for the
House Human Services Committee

March 14, 2023

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

RE: Senate Bill 2087 – TANF Administration

Chair Weisz and members of the House Human Services Committee, my name is Kim Jacobson. I am the Agassiz Valley Human Service Zone Director, which includes the service area of Traill and Steele Counties. In addition, I serve as President of the North Dakota Human Service Zone Director Association. Please consider my testimony in support of SB 2087.

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Thank you for consideration of my testimony. I stand for questions from the committee.



Chairman Robin Weisz and Members of the House Human Services Committee –

My name is Sierra Heitkamp and I am the Legislative Director for North Dakota Right to Life. I am testifying today to represent the interests of our 3700 members across the state of North Dakota.

Since the overturn of Roe V. Wade on June 24, 2022, there have been many questions regarding what this means for women and families who find themselves in unplanned pregnancies in North Dakota. At North Dakota Right to Life, we questioned ourselves as to how our vision and goals may have to evolve moving forward to adequately protect those most vulnerable from conception to natural death.

After many conversations, the answer became clear – not only will we continue our work in protecting life at all stages, but we also want to back legislation that educates our citizens, encourages life, and provides aid to those who qualify. A woman or family who finds themselves with an unexpected pregnancy should never feel that abortion is their only option to achieve a successful, happy life.

After discussing SB 2087 with our members and other partners in the pro-life committee, we believe that this is a wonderful step in the right direction for mothers and families in our state. This legislation, if passed, would improve the current TANF program in North Dakota by expanding TANF assistance for pregnant women who qualify. This bill is very important due to its intention of promoting a culture of life and providing assistance to those most vulnerable.

I ask this committee today for a **Do Pass recommendation on SB 2087** in order to uplift and support pregnant women in North Dakota as we continue to promote and encourage life at all stages.

Thank you for your time today and I am available by phone or email to answer any questions you may have.



Sincerely,

Sierra M Heitkamp
Sierra M Heitkamp
NDRL Legislative Director

**Testimony
Senate Bill No. 2087
House Human Services Committee
Representative Robin Weisz, Chairman
March 14, 2023**

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The data shows that in total over the last five years, the state of North Dakota withheld \$175,322 (an average of \$29,220 per year) in benefits that would have been paid to the children who are affected by the family cap policy.

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Community Options, Inc. JOBS is a mandatory work program that combines components of education, training and employment, and helps an individual with costs that are associated with seeking and maintaining their employment, including child care or transportation costs, vehicle repairs, insurance, job readiness (uniforms, tools, and other employee provided supplies), licensing, certification, and examination fees.

Since 2012, North Dakota has seen a 43 percent decline in its overall TANF caseload. To develop a better understanding of the reason for the decline and assure we were taking appropriate action to meet the needs of North Dakota families, the Department in the spring of 2021 partnered with the Office of Family Assistance- Peer Technical Assistance Network to conduct an environmental scan of the state's TANF Program. The goal of this environmental scan was to strategically review the experience of eligibility workers, program participants and partner agencies who provide services to TANF recipients. The team also reviewed programs and policies from other states that are similar to North Dakota in demographics.

The scan identified the decreasing monetary value of the TANF benefit over time and the complexity that underlies participants' experiences in attempting to comply with TANF program requirements as key issues affecting program participation and ultimately program effectiveness. While modest in scope, the changes proposed in Senate Bill 2087 align directly with the recommendations resulting from the recently completed review of the TANF program in North Dakota and represent important initial steps in support of efforts to increase the effectiveness of the TANF program for North Dakota families.

This concludes my testimony, and I am happy to answer any questions you may have.

Temporary Assistance for Needy Families Program

The Temporary Assistance for Needy Families (TANF) program is intended to move low-income families from public assistance to self-sufficiency by providing cash assistance along with work readiness, training and job placement services.



Who does TANF serve?

The TANF program helps families with children under age 18 or who will graduate or receive their GED by age 19 and are deprived of parental support or care. A child is considered deprived of parental support when a parent is absent due to divorce, separation, death or one or both parents are aged or disabled. This includes a deprived child or children who are living with:

- One parent
- A two-parent family (in which one or both parents are aged or disabled)
- A family member
- A woman in her third trimester of pregnancy

Asset Limits

Assets limits are \$3,000 for one individual, \$6,000 for a household of two individuals, and an additional \$25 per person for households of three and more.

Program Requirements

Cooperation with Child Support

- Individuals are required to cooperate with child support while receiving TANF unless they have good cause.

Work requirement

- TANF has a work requirement which combines components of education, training and employment to enable participants to become self-sufficient. This is offered through the JOBS Program, Jobs Opportunity and Basic Skills.

Program Limits:

You may receive TANF up to 60 months within your lifetime.

Note: There are some exceptions to this limit.

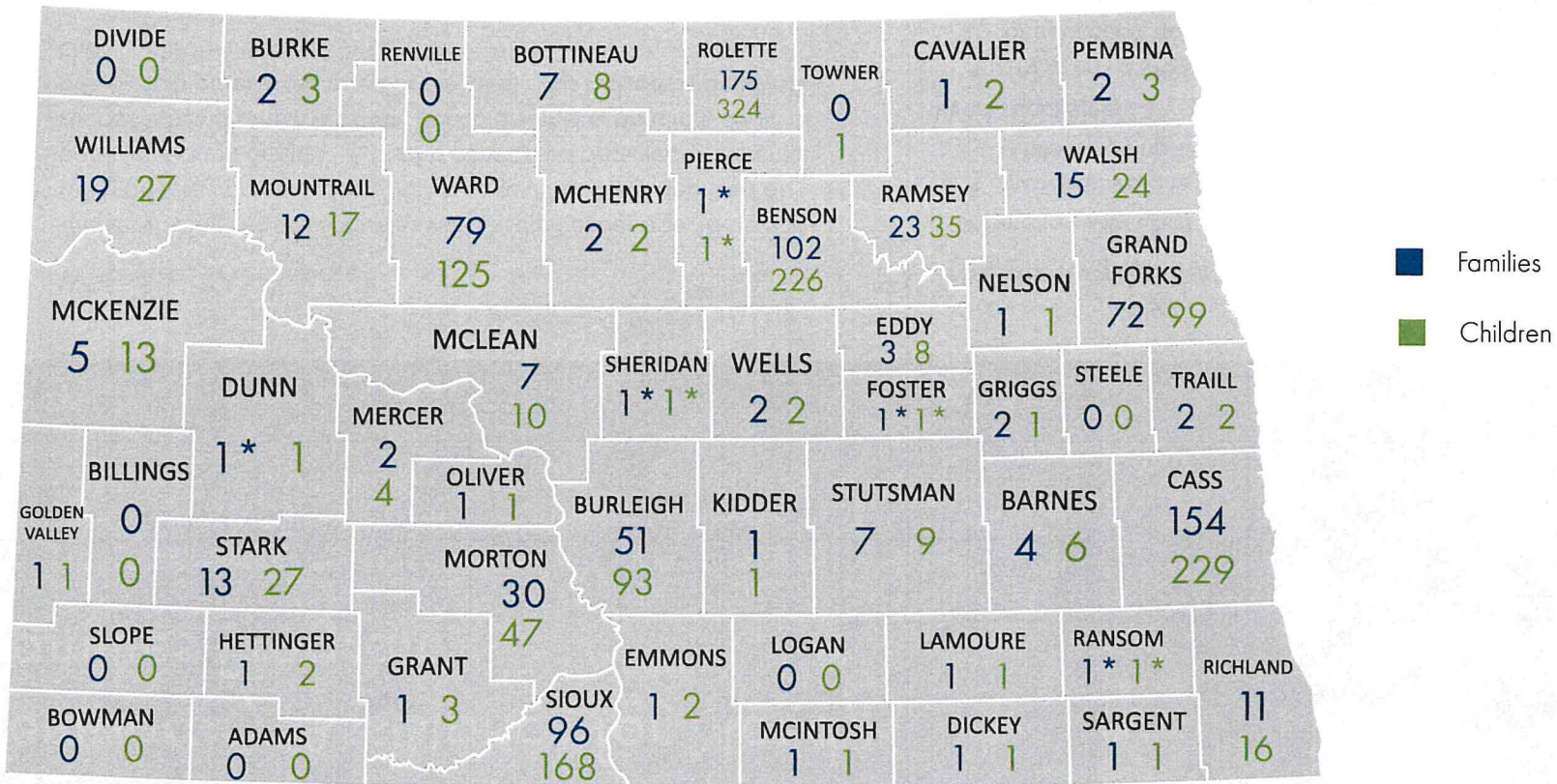
Learn more at hhs.nd.gov/tanf

Average Number of TANF Families and Children Served by State Fiscal Year

Average Number of Families and Children Served Monthly by State Fiscal Year



Number of Families and Children Served by County in State Fiscal Year 2022



*Average less than one have been rounded up